



UNITED STATES PATENT AND TRADEMARK OFFICE

TP

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/856,039

08/03/2001

Hiroshi Usuda

SONYJP-126

3628

7590

10/19/2006

Lerner David Littenberg
Krumholz & Mentlik
600 South Avenue West
Westfield, NJ 07090

EXAMINER

HILLERY, NATHAN

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/856,039	Applicant(s) USUDA, HIROSHI	
	Examiner Nathan Hillery	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 74-80, 82, 83, 89-95, 97, 98, 104-110, 112, 113, 119, 120, 125, 126, 131, 132 and 137-166 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 74-80,82,83,89-95,97,98,104-110,112,113,119,120,125,126,131,132 and 137-166.

DETAILED ACTION

1. This action is responsive to communications: Amendment filed on 6/30/06.
2. Claims 74-80, 82, 83, 89-95, 97, 98, 104-110, 112, 113, 119, 120, 125, 126, 131, 132 and 137-166 are pending in the case. Claims 74, 79, 89, 94, 104 and 109 are independent.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 74 – 78, 80, 82, 83, 89 – 93, 95, 97, 98, 104 – 108, 110, 112, 113, 120, 126, and 132 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hishida et al. (US 6477549 B1) and in further view of Wang (US 6675385 B1).
5. **Regarding independent claim 74**, Hishida et al. teach *a device specification information storage unit for storing a plurality of pieces of device specification information* (Column 2, lines 45 – 47), which meet the limitation of **storing output display attributes of a connected display device**.

Hishida et al. teach that *the transmission documents may be transmitted from broadcasting stations as broadcast waves* (Column 20, lines 16 and 17), which meet the limitation of **receiving digital broadcast signals over a first medium**.

Hishida et al. teach that *the transmission document creation unit 208 writes SSs 603 and 604 for the devices described in the device input/output information table 401 that has been received from the input/output information obtaining unit 209. When notified of the type of device "Pager" in the device column 402 of the input/output information table 401, the transmission document creation unit 208 writes "Pager" between the quotation marks in a tag 605 <DEVICEtype=">". Then, a tag 606 <OUTPUT> is written. When notified of the items in the output information column 403, the transmission document creation unit 208 writes the items. Then, a tag 607 </OUTPUT> that represents the end of output information is written* (Column 10, lines 51 – 63), which meet the limitation of **obtaining at least one style sheet via a distribution channel over a second medium, the first medium and the second medium being different media, the at least one obtained style sheet including format information used to set the display format of images to be displayed by a given display device.**

It should be noted that the broadcast waves of Hishida et al. is equivalent to the claimed first medium and the computer-readable storage medium of Hishida et al. is equivalent to the second medium, since Hishida et al. teach that the present invention may be realized by recording a program that achieves the functions of each element in these devices (Figs 2, 17 and 19) on a computer-readable storage medium (Column 20, lines 18 – 26).

Hishida et al. teach that *according to the present embodiment, the style sheet for a mobile communication terminal that has received a transmission document is*

*extracted from a plurality of style sheets, in each of which the input/output information for one type of mobile communication terminal such as pagers is described, attached to the received transmission document. As a result, it is possible to process the received document according to the type of the mobile communication terminal that receives the received document (Column 18, lines 21 – 29), which meet the limitation of **selecting a particular style sheet from at least one obtained style sheet based on the stored output display attributes and the decoded content attributes such that images that are displayed by the connected display device are of a particularly suitable format for the connected display device.***

Hishida et al. do teach that a tag 304 `<BODYSTYLE = "font:normal">` represents the beginning of the content of an HTML document, and shows that a normal font is used in the HTML document (Column 9, lines 19 – 21) and that when receiving the transmission document creation instruction, the transmission document creation unit 208 writes a tag 601 `<HTML>` that represents the beginning of an HTML document and a tag 602 `<HEAD>` that represents the beginning of attached information such as a "Style Sheet" (Column 10, lines 45 – 49), which meet the limitation of **processing the content data using the style sheet for display by the connected display device.**

Hishida et al. do not explicitly teach **decoding the digital broadcast signals into AV data that includes visual and audio information and into supplementary data that includes content data having content attributes.**

Further, Wang teaches that *multiplexed video and audio data streams 58A correspond to a plurality of multiplexed digital television channels including the video*

Art Unit: 2176

*and audio programming for channel 3 (Column 7, lines 34 – 37) and that in operation, MPEG-2 decoder 50 separates the digital data of the MPEG-2 channel 48. According to the viewer selection, channel 3 video and audio 56 is reconstructed from digital form and displayed on an analog television display 34 (Column 7, lines 50 – 54), which meet the limitation of **decoding the received digital broadcast signals into AV data that includes visual and audio information and into supplementary data that includes content data having content attributes.***

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Hishida et al. with that of Wang because such a combination would provide the users of Hishida et al. with *an electronic program guide embodied in a rotating data carousel of HTML pages formatted to be transported in the data packets of an MPEG-2 data stream* (Column 2, lines 9 – 12).

6. **Regarding dependent claims 75 and 76,** Hishida et al. teach that *while the HTML is used as a markup language in the above-described embodiments, such a markup language is not necessarily limited to the HTML. For instance, the XML (Extensible Markup Language) may be used in describing transmission documents* (Column 20, lines 10 – 14), which meet the limitation of **said content data is written in a computer language format that includes arbitrarily definable tags, and that said computer language format includes extended markup language (XML) tags.**

7. **Regarding dependent claim 77**, Hishida et al. teach that a tag 304 *<BODYSTYLE="font:normal">* represents the beginning of the content of an HTML document, and shows that a normal font is used in the HTML document (Column 9, lines 19 – 21), which meet the limitation of **said content data includes data selected from the group consisting of text data, still picture data, animation data, and voice data.**
8. **Regarding dependent claim 78**, Hishida et al. teach that *when the display data 1301 shown in FIG. 13 is displayed on the display 214 and when a signal that the "select button" on a pager 107 is pressed is transmitted from the input information conversion unit 212, the simulation operation execution unit 213 obtains the "onclick information" that has been stored, and changes the type of the font of the display data 1301 into italic according to the program of the script 309 described on the document body 612 in the transmission document 615. As a result, display data 1501 shown in FIG. 15 is displayed on the display 214* (Column 15, lines 14 – 23), which meet the limitation of **the selected style sheets include scripts that define the format information as a function of the stored display attributes.**
9. **Regarding dependent claim 80**, Hishida et al. teach that *according to the present embodiment, the style sheet for a mobile communication terminal that has received a transmission document is extracted from a plurality of style sheets, in each of which the input/output information for one type of mobile communication terminal such*

as pagers is described, attached to the received transmission document. As a result, it is possible to process the received document according to the type of the mobile communication terminal that receives the received document (Column 18, lines 21 – 29), which meet the limitation of **obtaining a plurality of style sheets, and selecting at least one of the plurality of style sheets.**

10. **Regarding dependent claim 82**, Hishida et al. teach that *the communication document processing system includes an information providing server device 102 on the Internet 101* (Column 8, lines 43 – 46), which meet the limitation of **the second medium is a network and obtaining said step of obtaining at least one style sheet includes obtaining the at least one style sheet from a remotely located server via the network.**

11. **Regarding dependent claim 83**, Hishida et al. teach that *the present invention may be realized by recording a program that achieves the functions of each element in these devices on a computer-readable storage medium* (Column 20, lines 23 – 25), which meet the limitation of **the second medium is a portable recording medium and obtaining the at least one style sheet from the portable recording medium.**

12. **Regarding dependent claim 120**, Hishida et al. do not explicitly teach **the content data includes a data module that is periodically repeated in the content data.**

Wang teaches that *on each of the broadcast channels, 38, 38N, the same content is repeated in each video channel 48, 48N. On individual simulcast channels 40, 40N different content is broadcast for each respective video channel 48, 48N* (Column 5, lines 20 – 23), which meet the limitation of **the content data includes a data module that is periodically repeated in the content data.**

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Hishida et al. with that of Wang because such a combination would provide the users of Hishida et al. with *an electronic program guide embodied in a rotating data carousel of HTML pages formatted to be transported in the data packets of an MPEG-2 data stream* (Column 2, lines 9 – 12).

13. **Regarding claims 89 – 93, 95, 97, and 98**, the claims incorporate substantially similar subject matter as claims 74 – 78, 80, 82 and 83, and are rejected along the same rationale.

14. **Regarding claims 104 – 108, 110, 112 and 113**, the claims incorporate substantially similar subject matter as claims 74 – 78, 80, 82 and 83, and are rejected along the same rationale.

15. **Regarding dependent claims 126 and 132**, the claims incorporate substantially similar subject matter as claim 120, and are rejected along the same rationale.

Art Unit: 2176

16. Claims 119, 125 and 131 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hishida et al. (US 6477549 B1) and Wang (US 6675385 B1) as applied to claims 74, 89 and 104 above, and further in view of Yogeshwar et al. (US 6026232 A).

17. **Regarding dependent claim 119**, neither Hishida et al. nor Wang explicitly teach **combining the visual and audio information and the processed content data for output by the display device**.

However, Yogeshwar et al. teach that *Accordingly, not only is the invention related to the encoding of the audio and visual data but is also related to a process and system for combining encoded, audio, video, and sub-picture data into a data stream, the digital storage medium and data structures thereon which store the formatted audio, video, and sub-picture information, and is also related to a decoding process and a decoder which separates and reconstructs the audio, video, and sub-picture information for display to a user or consumer* (Column 53, line 60 – Column 54, line 1), which meet the limitation of **combining the visual and audio information and the processed content data for output by the display device**.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the combined invention of Hishida et al. and Wang with that of Yogeshwar et al. because such a combination would provide the users of Hishida et al. and Yang with the benefit of a *video encoding system which allows a section of encoded video to be replaced by another section of encoded video so that no errors or video decoding artifacts are visible in the encoded video* (Column 2, lines 6 – 10).

18. **Regarding dependent claims 125 and 131**, the claims incorporate substantially similar subject matter as claim 119, and are rejected along the same rationale.

19. Claims 79, 94, 109, 137 – 144, 146 – 154, 156 – 164 and 166 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hishida et al. (US 6477549 B1), and further in view of Wang (US 6675385 B1) and Hill et al. (US 6023714 A).

20. **Regarding independent claim 79**, Hishida et al. teach that *the transmission documents may be transmitted from broadcasting stations as broadcast waves* (Column 20, lines 16 and 17), which meet the limitation of **receiving digital broadcast signals**.

Hishida et al. teach that *the transmission document creation unit 208 writes SSs 603 and 604 for the devices described in the device input/output information table 401 that has been received from the input/output information obtaining unit 209. When notified of the type of device "Pager" in the device column 402 of the input/output information table 401, the transmission document creation unit 208 writes "Pager" between the quotation marks in a tag 605 <DEVICETYPE=">". Then, a tag 606 <OUTPUT> is written. When notified of the items in the output information column 403, the transmission document creation unit 208 writes the items. Then, a tag 607 </OUTPUT> that represents the end of output information is written* (Column 10, lines 51 – 63), which meet the limitation of **obtaining at least one style sheet via a distribution channel, the at least one obtained style sheet including format**

information used to set the display format of images to be displayed by a given display device.

Hishida et al. teach that *according to the present embodiment, the style sheet for a mobile communication terminal that has received a transmission document is extracted from a plurality of style sheets, in each of which the input/output information for one type of mobile communication terminal such as pagers is described, attached to the received transmission document. As a result, it is possible to process the received document according to the type of the mobile communication terminal that receives the received document (Column 18, lines 21 – 29), which meet the limitation of selecting a particular style sheet from at least one obtained style sheet based on the stored output display attributes and the decoded content attributes such that images that are displayed by the connected display device are of a particularly suitable format for the connected display device.*

Hishida et al. do teach that a tag 304 `<BODYSTYLE = "font:normal">` represents the beginning of the content of an HTML document, and shows that a normal font is used in the HTML document (Column 9, lines 19 – 21) and that when receiving the transmission document creation instruction, the transmission document creation unit 208 writes a tag 601 `<HTML>` that represents the beginning of an HTML document and a tag 602 `<HEAD>` that represents the beginning of attached information such as a "Style Sheet" (Column 10, lines 45 – 49), which meet the limitation of **processing the content data using the style sheet for display by the connected display device.**

Hishida et al. do not explicitly teach **storing output display attributes of a connected display device, the stored output display attributes including at least one output display attribute selected from the group consisting of a device resolution, a device manufacturer's name, and a device model name and decoding the digital broadcast signals into AV data that includes visual and audio information and into supplementary data that includes content data having content attributes.**

Further, Wang teaches that *multiplexed video and audio data streams 58A correspond to a plurality of multiplexed digital television channels including the video and audio programming for channel 3* (Column 7, lines 34 – 37) and that *in operation, MPEG-2 decoder 50 separates the digital data of the MPEG-2 channel 48. According to the viewer selection, channel 3 video and audio 56 is reconstructed from digital form and displayed on an analog television display 34* (Column 7, lines 50 – 54), which meet the limitation of **decoding the received digital broadcast signals into AV data that includes visual and audio information and into supplementary data that includes content data having content attributes.**

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Hishida et al. with that of Wang because such a combination would provide the users of Hishida et al. with *an electronic program guide embodied in a rotating data carousel of HTML pages formatted to be transported in the data packets of an MPEG-2 data stream* (Column 2, lines 9 – 12).

Wang does not explicitly teach that **storing output display attributes of a connected display device, the stored output display attributes including at least one output display attribute selected from the group consisting of a device resolution, a device manufacturer's name, and a device model name.**

Hill et al. teach that the client renders a document 210 obtained from a remote storage device on an output device 200 coupled to the client 204 using a presentation component, such as a browser 206. In the system illustrated in FIG. 2, the output device is a display device. The document 210 may contain an embedded layout generator or script 212. The layout generator 212 interrogates the display device 200 and selects a style sheet based upon the capabilities of the display device 200. The capabilities of the display device may include resolution, size and color palette (Column 9, lines 15 – 27).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hishida et al. and Wang with that of Hill et al. because such a combination would provide the users of Hishida et al. and Wang with the benefit of a method for dynamically formatting a document based upon the capabilities and constraints of a particular output device (Column 2, lines 15 – 18).

21. **Regarding dependent claims 137 and 138**, Hishida et al. teach that *while the HTML is used as a markup language in the above-described embodiments, such a markup language is not necessarily limited to the HTML. For instance, the XML (Extensible Markup Language) may be used in describing transmission documents*

(Column 20, lines 10 – 14), which meet the limitation of **said content data is written in a computer language format that includes arbitrarily definable tags**, and that **said computer language format includes extended markup language (XML) tags**.

22. **Regarding dependent claim 139**, Hishida et al. teach that a tag 304 *<BODYSTYLE="font:normal">* represents the beginning of the content of an HTML document, and shows that a normal font is used in the HTML document (Column 9, lines 19 – 21), which meet the limitation of **said content data includes data selected from the group consisting of text data, still picture data, animation data, and voice data**.

23. **Regarding dependent claim 140**, Hishida et al. teach that *when the display data 1301 shown in FIG. 13 is displayed on the display 214 and when a signal that the "select button" on a pager 107 is pressed is transmitted from the input information conversion unit 212, the simulation operation execution unit 213 obtains the "onclick information" that has been stored, and changes the type of the font of the display data 1301 into italic according to the program of the script 309 described on the document body 612 in the transmission document 615. As a result, display data 1501 shown in FIG. 15 is displayed on the display 214* (Column 15, lines 14 – 23), which meet the limitation of **the selected style sheets include scripts that define the format information as a function of the stored display attributes**.

24. **Regarding dependent claim 141**, Hishida et al. teach that *according to the present embodiment, the style sheet for a mobile communication terminal that has received a transmission document is extracted from a plurality of style sheets, in each of which the input/output information for one type of mobile communication terminal such as pagers is described, attached to the received transmission document. As a result, it is possible to process the received document according to the type of the mobile communication terminal that receives the received document* (Column 18, lines 21 – 29), which meet the limitation of **obtaining a plurality of style sheets, and selecting at least one of the plurality of style sheets**.

25. **Regarding dependent claims 142 and 143**, Hishida et al. teach that *transmitted via public networks in the above-described embodiments, the transmission documents may be transmitted from broadcasting stations as broadcast waves* (Column 20, lines 15 – 17), which meet the limitation of **said distribution channel is a network and obtaining said at least one style sheet from the digital broadcast signals, and for obtaining the at least one style sheet via the network**.

26. **Regarding dependent claim 144**, Hishida et al. teach that *the present invention may be realized by recording a program that achieves the functions of each element in these devices on a computer-readable storage medium* (Column 20, lines 23 – 25), which meet the limitation of **said distribution channel is a portable recording**

medium and obtaining the at least one style sheet from the portable recording medium.

27. **Regarding dependent claim 146**, Hishida et al. do not explicitly teach **the content data includes a data module that is periodically repeated in the content data.**

Wang teaches that *on each of the broadcast channels, 38, 38N, the same content is repeated in each video channel 48, 48N. On individual simulcast channels 40, 40N different content is broadcast for each respective video channel 48, 48N* (Column 5, lines 20 – 23), which meet the limitation of **the content data includes a data module that is periodically repeated in the content data.**

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Hishida et al. with that of Wang because such a combination would provide the users of Hishida et al. with *an electronic program guide embodied in a rotating data carousel of HTML pages formatted to be transported in the data packets of an MPEG-2 data stream* (Column 2, lines 9 – 12).

28. **Regarding claims 94, 109, 147 – 154, 156 – 164 and 166**, the claims incorporate substantially similar subject matter as claims 79, 137 – 144 and 146, and are rejected along the same rationale.

29. Claims 145, 155 and 165 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hishida et al. (US 6477549 B1), Wang (US 6675385 B1) and Hill et al. (US 6023714 A) as applied to claims 79, 94 and 109 above, and further in view of Yogeshwar et al. (US 6026232 A).

30. **Regarding dependent claim 145**, neither Hishida et al. nor Wang explicitly teach **combining the visual and audio information and the processed content data for output by the display device**.

However, Yogeshwar et al. teach that *Accordingly, not only is the invention related to the encoding of the audio and visual data but is also related to a process and system for combining encoded, audio, video, and sub-picture data into a data stream, the digital storage medium and data structures thereon which store the formatted audio, video, and sub-picture information, and is also related to a decoding process and a decoder which separates and reconstructs the audio, video, and sub-picture information for display to a user or consumer* (Column 53, line 60 – Column 54, line 1), which meet the limitation of **combining the visual and audio information and the processed content data for output by the display device**.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the combined invention of Hishida et al., Wang and Hill et al. with that of Yogeshwar et al. because such a combination would provide the users of Hishida et al., Wang and Hill et al. with the benefit of *a video encoding system which allows a section of encoded video to be replaced by another section of encoded video*

Art Unit: 2176

so that no errors or video decoding artifacts are visible in the encoded video (Column 2, lines 6 – 10).

31. **Regarding dependent claims 155 and 165**, the claims incorporate substantially similar subject matter as claim 145, and are rejected along the same rationale.

Response to Arguments

32. Applicant's arguments with respect to claims 79, 94, 109, 137 –166 have been considered but are moot in view of the new ground(s) of rejection.

33. Applicant's arguments filed 6/30/06 have been fully considered but they are not persuasive.

34. Applicant argues that Hishida et al. do not teach **obtaining at least one style sheet via a distribution channel over a second medium, the first medium and the second medium being different media, the at least one obtained style sheet including format information used to set the display format of images to be displayed by a given display device** because Hishida et al. teach that both the style sheets and the document body are received over the public network and/or intranet (p 14, last paragraph).

The Office disagrees.

As explained above in the rejection, it should be noted that the broadcast waves of Hishida et al. is equivalent to the claimed first medium and the computer-readable

storage medium of Hishida et al. is equivalent to the second medium, since Hishida et al. teach that the present invention may be realized by recording a program that achieves the functions of each element in these devices (Figs 2, 17 and 19) on a computer-readable storage medium (Column 20, lines 18 – 26).

35. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, the motivation was taken from the references themselves as cited by the Office (Wang, Column 2, lines 9 – 12 as quoted by Applicant in Arguments, p 15, lines 17 – 20). In addition, the skilled artisan would have relied on the knowledge of HTML pages known in the art at the time of the invention.

Conclusion

36. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Hillery whose telephone number is (571) 272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NH


Heather R. Herndon
Supervisory Patent Examiner
Technology Center 2100